

APPENDIX A

NOP AND COMMENTS RECEIVED ON THE NOP

APRIL 26, 2004

REVISED NOP AND COMMENTS RECEIVED ON THE NOP

CITY OF SANTA CLARA

Santa Clara, California

April 26, 2004

REVISED NOTICE OF PREPARATION

California Administrative Code, Title 24, Sections 15082, 15103, and 15375

TO: Interested Agencies/Parties

FROM: City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

SUBJECT: Revised Notice of Preparation of a Draft Environmental Impact Report

The City of Santa Clara will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below.

We need to know the views of the interested public as well as the views of responsible agencies as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. This Notice of Preparation revises a previous notice released in July 2003. Comments received in response to the July 2003 notice will continue to be considered in defining the scope of the environmental impact report.

The project description, location, and the probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to Kevin Riley, AICP, Principal Planner, at the address shown above. We will need the name of a contact person in your agency.

PROJECT TITLE: 90 North Winchester Development Project
Files PLN2003-03744, PLN2003-03745, PLN 2003-03958 and
CEQ2003-01011
APN 303-17-48 and 49
SCH No. 2003072093

PROJECT APPLICANT: Summerhill Winchester, LLC and Santa Clara Methodist Retirement Foundation

DATE: April 26, 2004

Signature: _____

Kevin L. Riley

Title: Principal Planner

Fax Number: (408) 247-9857

Phone Number: (408) 615-2450

90 North Winchester Development Project

APN 303-17-48 and 49

Files PLN2003-03744, PLN2003-03745, PLN 2003-03958 and CEQ2003-01011

PROJECT LOCATION

The project site is located at 90 North Winchester Boulevard in the City of Santa Clara (Exhibit 1). The project site is bordered by residences along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. Winchester Boulevard is located immediately east of the project site. The Valley Fair Shopping Mall and Santana Row (a commercial shopping center) are located along Winchester Boulevard. The City of San Jose incorporated City limit is located along the northern property line of the project site (Exhibit 2).

PROJECT BACKGROUND

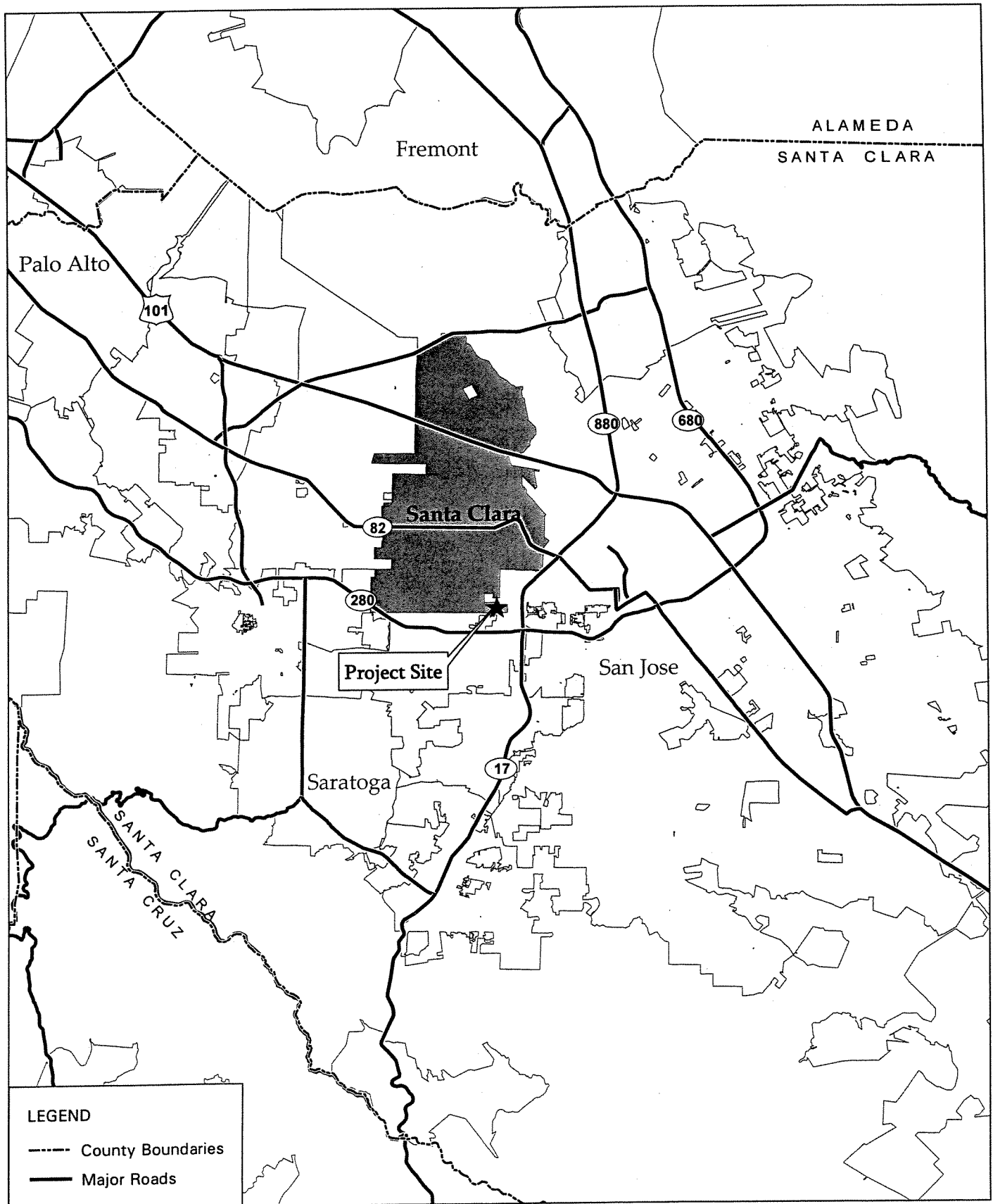
In July of 2003, the City of Santa Clara released a Notice of Preparation (NOP) for the 90 North Winchester Development Project to public agencies and the public for a 30-day review period. Comments were received on the scope and content of the Environmental Impact Report (EIR) that was to be prepared. In general, that project proposal would have developed the site with single-family residential, senior housing, and park uses. Since publication of the NOP, changes have been made to the project and additional development scenarios are proposed for evaluation in the Draft EIR. To provide public agencies and members of the public adequate opportunity to review and comment on the scope and content of the EIR for the revised project, the City of Santa Clara has decided to circulate a revised NOP for the 90 North Winchester Development Project. The following provides a description of the revised project and optional development scenarios. Comments received in response to the July 2003 notice will continue to be considered in defining the scope of the environmental impact report.

PROJECT CHARACTERISTICS

The project would include site cleanup; removal of existing structures; and development of senior housing, single-family residential, and park uses on the project site. A summary of the project's characteristics are presented as follows.

VOLUNTARY CLEANUP AGREEMENT AND REMOVAL ACTION WORKPLAN

As a result of pesticide use related to past agricultural practices on the site, some soils have concentrations of arsenic and dieldrin above U.S. Environmental Protection Agency (EPA) Preliminary Remediation Goals. DGS has entered into a Voluntary Cleanup Agreement (VCA) with the Department of Toxic Substances Control (DTSC). Pursuant to this agreement, DGS has prepared a Draft Removal Action Workplan (RAW) which identifies proposed remediation activities. The preferred remedial alternative consists of excavation of contaminated soils and disposal to permitted offsite facilities, importation of clean fill material, and site preparation (i.e., re-distribution of onsite soils). DTSC must approve the RAW, which will be implemented



Sources: California Spatial Information Library 2003, EDAW 2003

Regional Location

90 North Winchester Development Project

X 3T008.01 6/03

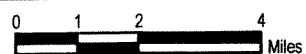


EXHIBIT 1





Legend



Project Site

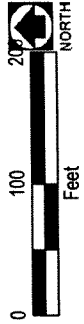
Source: City of Santa Clara, 2001

Project Vicinity

90 North Winchester Development Project

X 3T008.01 10/03

EXHIBIT 2



EDAW

prior to development of the property. An Implementation Report will be submitted to DTSC for approval.

The Draft EIR would evaluate the actions proposed in the RAW as elements of the project. At the same time the Draft EIR is circulated to public agencies and the public, DTSC will circulate the Draft RAW to public agencies and the public during a 30-day public comment period which is separate from the comment period on the Draft EIR. Once this EIR is certified by the City, DTSC may adopt the final EIR to meet CEQA requirements concerning the RAW.

REMOVAL OF EXISTING STRUCTURES

All of the existing structures on the project site will be demolished and removed in preparation for development. If demolition activities involve any features included in the RAW, they would be incorporated into the site cleanup workplan preparation and approval. Demolition materials would be transported to an authorized landfill for disposal.

SINGLE-FAMILY RESIDENTIAL HOUSING

Approximately 10 acres of the project site would be developed with single-family residences. A maximum of 118 dwelling units on lots ranging in size from 2,000 to 5,000 square feet would be constructed. Individual units would range in size from 1,500 square feet to 3,000 square feet, and would include two to four bedrooms and a 2-car garage.

In general, the larger lots and homes would be located around the perimeter of the project site, with the smaller lots and homes concentrated in the center of the site. The perimeter residences would have typical rear-yard setbacks of 20 feet, while the interior residences would have typical rear-yard setbacks of 15 feet. Perimeter residences would be no more than two stories tall. Residential units in the center of the site would be 2+ stories tall. Garages and driveways would accommodate resident parking. On-street parking bays would provide guest parking. Access to this neighborhood would be provided by a new road intersecting Winchester Boulevard. This road could also provide access to the onsite senior housing/single-family development.

SENIOR HOUSING

Approximately 6 acres of the site would be developed with two senior housing facilities. One facility would be located along Winchester Boulevard and the other would be located parallel to the southern property line. The facilities would include up to 165 senior housing units in buildings two to four stories tall. Housing units, typically one bedroom, would range in size from 540 to 620 square feet. An 800 square-foot, two bedroom resident manager's unit would be provided in each facility. Approximately 153 parking spaces would be provided, 15%-20% on grade for visitors and staff parking and the remainder in partial underground parking. This parking would be for the sole use of senior housing residents, guests of residents, and facility employees. Handicap spaces would be sited in accordance with state standards.

The facilities would provide a landscaped garden area within the 6-acre site. Main access to the senior housing facilities would be provided from two locations: 1) a new road intersecting Winchester Boulevard north of residential buildings; and 2) a secondary right turn only entrance from Winchester Boulevard south of the residential buildings.

PARK USES

The project would include the dedication of an approximate one acre of park to the City. The park would be located adjacent to the 10-acre single-family housing area, in the northwest corner of the project site. The project would develop a neighborhood City park typical of other parks in the City, including water fountains; play areas, and walking paths.

ONSITE DETENTION

The project would detain storm water within the overall project site for compliance with the C.3 Provisions of the City's NPDES stormwater discharge permit. Onsite stormwater treatment alternatives could include, but are not limited to, the construction of a detention basin that discharges storm water to the storm water system, a retention pond that percolates to groundwater, or drainage swales that percolate to groundwater. Performance criteria for onsite detention requirements will be discussed in the EIR. The conceptual design of detention/retention facilities will be included in development plans submitted to the City for approval of the project.

PROJECT CONSTRUCTION

Construction activities related to the proposed project would include construction of utilities (i.e., underground power utilities, and storm drainage facilities), site preparation including re-distribution on onsite soils, paving of parking and circulation areas, development of onsite detention facilities, development of the neighborhood City park, and construction of the proposed senior housing facility and single-family residences. The site would be graded and compacted to predetermined levels to prepare for housing development and other improvements. All construction activities would occur within the 17-acre project site footprint. Equipment used for construction would vary day-to-day depending on the activity, but would include typical equipment, such as scrapers/earthmovers, wheeled dozers, water trucks, fork-lift, wheeled loader, and a motor grader. No unusual construction requirements are anticipated (e.g., pile drivers).

During the construction period, a maximum of 150 construction workers would commute to the site. Construction workers would access the project site only from Winchester Boulevard. Following the initial site preparation (remediation, grubbing, clearing, grading) phase, construction would commence. Construction of the project is expected to begin in 2005 and would last approximately 24–36 months. Construction would comply with the City's ordinance regulating hours of construction.

PROJECT IMPACT AREAS TO BE ADDRESSED IN THE DEIR

The City of Santa Clara will prepare a Draft EIR to provide environmental and project information for the proposed project. It will also include technical studies that have been completed. The RAW report identified above will be incorporated by reference.

The City is preparing a “full scope” Draft EIR. The Existing Setting, Impacts and Mitigation Measures for each of the following subject areas will be discussed and analyzed in the Draft EIR. Each subject area will focus on the specific details of the proposed project.

- | | | |
|-----------------------|---------------------------|-----------------------------|
| ▶ Land Use | ▶ Cultural Resources | ▶ Transportation/Traffic |
| ▶ Visual Resources | ▶ Hazardous Materials | ▶ Agricultural Resources |
| ▶ Air Quality | ▶ Earth Resources | ▶ Recreation |
| ▶ Noise | ▶ Hydrology/Water Quality | ▶ Population/Housing |
| ▶ Terrestrial Biology | ▶ Public Services | ▶ Utilities/Service Systems |

Other Required Sections: The Draft EIR will also include other information typically required for an EIR. These other sections include the following: 1) Growth Inducing Impacts; 2) Significant Irreversible Environmental Changes; 3) Significant, Unavoidable Impacts; 4) Alternatives to the Project; 5) References; and 6) EIR Authors. A reasonable range of alternatives will be evaluated in the Draft EIR and these alternatives could include: 1) No Project Alternative; 2) Single-Family Development Option Alternative; and 3) Reduced Development Alternative. Relevant technical reports will be provided in a technical appendix.

DATE: April 23, 2004

RECEIVED APR 26 2004

TO: Responsible Agencies, Interested Parties, and Organizations

SUBJECT: REVISED NOTICE OF AVAILABILITY FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT ON THE 90 NORTH WINCHESTER DEVELOPMENT PROJECT

Purpose of Notice of Preparation for an Environmental Impact Report (EIR). A revised Notice of Preparation (NOP) has been prepared for the 90 North Winchester Development Project in the City of Santa Clara (City). The prior NOP was released in July of 2003 for a 30-day review period that discussed development of the site to include single-family residential, senior housing and park uses. The purpose of circulating a revised NOP is to provide public agencies and members of the public adequate opportunity to review and comment on the project in light of the changes that have occurred and on development scenarios for evaluation in the Draft EIR.

Lead Agency: The City is the designated Lead Agency under the California Environmental Quality Act (CEQA). As the property owner, the State of California's Department of General Services (DGS) will assist the City with preparation of an EIR and will be a Responsible Agency. The proposed project involves a set of interrelated actions involving the City and DGS, as well as other Responsible Agencies.

Responsible Agencies include the City of San Jose, Department of Toxic Substances Control (DTSC), DGS, and the Regional Water Quality Control Board (for the NPDES permit).

Project Location. The seventeen (17) acre project site is located at 90 North Winchester Boulevard in the City of Santa Clara. The project site is bordered by residences along Forest Avenue to the north, Dorcich Street to the south, and Henry Avenue to the west. Winchester Boulevard borders the east side of the project site. The Valley Fair Shopping Mall and Santana Row (a commercial shopping center) are significant properties located along Winchester Boulevard in the immediate vicinity. The City of San Jose incorporated city limit is located along the northern property line of the project site and along the Winchester Boulevard right-of-way on the east.

Project Description. The University of California (UC) has used the property as an agricultural research station since the 1920s. The primary research efforts at the site focused on improving crop production methods, irrigation systems, nutrition and variety characteristics of crops, and crop disease control. Part of the research involved demonstrating the efficacy of a variety of research and development pesticides. Over the past decade, use of the site has decreased as technology in agricultural operations has improved. As a result, the UC has decommissioned the agricultural research station and returned the property to the State of California.

The State Legislature subsequently designated the property as surplus land pursuant to the provisions of Section 11011.1 of the State of California Government Code and in accordance with Senate Bill 2099 (Vasconcellos, Statutes of 2002). No other State agency needed the property, so as a result, DGS made the property available for sale, lease, or exchange to local governmental agencies and private developers.

The project development includes approximately ten acres developed as 2 plus-story single-family residences to a maximum of 118 dwelling units. A one-acre park, dedicated to the City, is also proposed. On the remaining six acres a senior housing facility of up to 165 apartments is proposed in 3 or 4-story structures with surface and underground parking. The project's entitlements would be subject to the City's local development laws and standards.

The City's proposed actions would include: approval of a General Plan Amendment; a Zoning Amendment; and, a Tentative Map for the proposed development. The State's proposed actions include sale of the surplus property and implementation of a site cleanup plan.

Availability of the Notice: A complete copy of the NOP for this project may be reviewed at the following locations:

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Hours: Monday – Friday, 8:00 a.m. - 5:00 p.m.

Department of General Services, Real Estate Services Division
Environmental Services Section, 3rd Floor
707 Third Street, Suite 3-400, West Sacramento, CA 95605
Hours: Monday - Friday, 8:00 a.m. - 4:30 p.m.

Copies of the notice are also available at:

Santa Clara City Central Park Library
2635 Homestead Road
Santa Clara, CA 95051
Hours: Monday – Thursday: 9 a.m. – 9 p.m.
Friday and Saturday: 9 a.m. – 6 p.m.
Sunday: 10 a.m. – 5 p.m.

City of Santa Clara Website: www.ci.santa-clara.ca.us Click on BAREC

Public Review Period: April 26, 2004 through May 26, 2004 by 5:00 p.m.

Contact. Written comments may be sent to the following address:

Kevin Riley, Principal Planner
City of Santa Clara
Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050
Phone Number: (408) 615 -2450
Fax Number: (408) 247 - 9857

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 (916) 445-0613

SCH # 2003072093

Project Title: 90 North Winchester Development Project

Lead Agency: City of Santa Clara

Contact Person: Kevin Riley

Street Address: 1500 Warburton Avenue

Phone: (408) 615-2450

City: Santa Clara

Zip Code: 95050

County: Santa Clara

Project Location:

Address 90 North Winchester Blvd.

City/Nearest Community: Santa Clara

Cross Streets: Dorcich Street and Forest Ave. @ Winchester Blvd.

Zip Code:

Total Acres:

Assessor's Parcel No. 303-17-048 and 049

Section: 15

Twp: T 7S

Range: R1 West

Base:

Within 2 Miles: State Hwy #: Hwy 280, 880

Waterways: None

Airports: None

Railways: None

Schools: None

Document Type

- CEQA: ☒ NOP Revised
☐ Early Cons
☐ Neg Dec
☐ Draft EIR

- ☐ Supplement/Subsequent EIR
(Prior SCH No: _____)
☐ Other: _____

NEPA: ☐ NOI

- ☐ Draft EIS
☐ FONSI

OTHER:

- ☐ Joint Document
☐ Final Document
☐ Other: _____

Local Action Type:

- ☐ General Plan Update
☒ General Plan Amendment
☐ General Plan Element
☐ Community Plan

- ☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan

☒ Rezone

- ☐ Use Permit
☐ Land Division (Subdivision, etc)

- ☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☐ Other: _____

Development Type:

- ☒ Residential: Units 283 Acres 16
☐ Office: Sq. ft. Acres Employees
☐ Commercial: Sq. ft. Acres Employees
☐ Industrial: Sq. ft. Acres Employees
☐ Educational: _____
☒ Recreational: City Park - 1 acre

- ☐ Water Facilities: Type MGD
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type Watts
☐ Waste Treatment: Type
☐ Hazardous Waste: Type
☐ Other: _____

Funding (approx.):

Federal \$

State \$

Total \$

Project Issues Discussed in Document:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Aesthetic / Visual | <input type="checkbox"/> Flood Plain / Flooding | <input type="checkbox"/> Schools / Universities | <input checked="" type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Agricultural Land | <input type="checkbox"/> Forest Land / Fire Hazard | <input type="checkbox"/> Septic Systems | <input type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Geologic / Seismic | <input type="checkbox"/> Sewer Capacity | <input type="checkbox"/> Wetland / Riparian |
| <input checked="" type="checkbox"/> Archaeological / Historical | <input type="checkbox"/> Minerals | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Wildlife |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Growth Inducing |
| <input type="checkbox"/> Drainage / Absorption | <input checked="" type="checkbox"/> Population / Housing Balance | <input checked="" type="checkbox"/> Toxic / Hazardous | <input checked="" type="checkbox"/> Landuse |
| <input type="checkbox"/> Economic / Jobs | <input type="checkbox"/> Public Services / Facilities | <input checked="" type="checkbox"/> Traffic / Circulation | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Fiscal | <input checked="" type="checkbox"/> Recreation / Parks | <input type="checkbox"/> Vegetation | <input type="checkbox"/> Other: _____ |

Present Land Use / Zoning / General Plan Designation:

Vacant, Agricultural to Planned Development

Project Description. This NOP is being recirculated due to changes in the proposed property development. The 17-acre property has been designated surplus land by the State of California and the Department of General Services must make the property available for sale, lease or exchange to other State agencies, and, if no State agency is in need of the land, to local governmental agencies and private developers. Approximately ten acres are proposed for a 2-plus story single-family residential development (up to 118 units) and approximately one acre is to be dedicated as a City park. A senior housing facility with up to 165 apartment units in 3 and 4-story structures is proposed for the remaining six acres.

Reviewing Agencies Checklist

KEY

S = Document sent by lead agency
X = Document sent by SCH
✓ = Suggested Distribution

Resources Agency

- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- S Conservation
- S Fish & Game
- Forestry & Fire Protection
- S Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)

Business, Transportation & Housing

- Aeronautics
- S California Highway Patrol
- S CALTRANS District # 4
- Department of Transportation Planning (headquarters)
- Housing & Community Development

Food & Agriculture

Health & Welfare

- Health Services

State & Consumer Services

- General Services
- OLA (Schools)

Environmental Protection Agency

- Air Resources Board
- S California Department of Toxic Substances Control
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- S Regional WQCB # 2 (San Francisco Bay Region)

Youth & Adult Corrections

Corrections

Independent Commissions & Offices

- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

Other:

Public Review Period (to be filled in by lead agency)

Starting Date: April 26, 2004

Ending Date: May 26, 2004

Signature

Date: April 26, 2004

Consulting firm: Edaw, Inc.

Address: 2022 J Street

City / State / Zip: Sacramento, CA 95814

Contact: Amanda Olekszul

Phone: (916) 414-5800

Date Received at SCH

Date Review Starts

Date to Agencies

Date to SCH

Clearance Date

Notes:

Applicant: Summerhill Homes Winchester, LLC /Methodist Retirement Foundation c/o Santa Clara City Planning Division

Address: 1500 Warburton Avenue

City / State / Zip: Santa Clara, CA 95050

Phone: (408) 615-2450



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



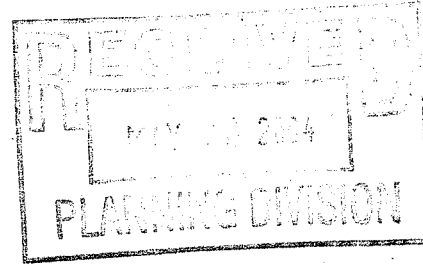
Jan Boel
Acting Deputy
Director

Notice of Preparation

April 26, 2004

To: Reviewing Agencies

Re: 90 North Winchester Development Project
SCH# 2003072093



Attached for your review and comment is the Notice of Preparation (NOP) for the 90 North Winchester Development Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Kevin Riley
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Associate Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003072093
Project Title 90 North Winchester Development Project
Lead Agency Santa Clara, City of

Type NOP Notice of Preparation
Description The NOP is being recirculated due to changes in the proposed property development. The 17-acre property has been designated surplus land by the State of California and the Department of General Services must make the property available for sale, lease, or exchange to other State agencies, and, if no State agency is in need of the land, to local governmental agencies and private developers. Approximately ten acres are proposed for a 2-plus story single-family residential development (up to 118 units) and approximately one acre is to be dedicated as a City park. A senior housing facility with up to 165 apartment units in 3- and 4-story structures is proposed for the remaining six acres.

Lead Agency Contact

Name	Kevin Riley		
Agency	City of Santa Clara		
Phone	408-615-2450	Fax	
email			
Address	1500 Warburton Avenue		
City	Santa Clara	State CA	Zip 95050

Project Location

County	Santa Clara				
City	Santa Clara				
Region					
Cross Streets	Dorcich Street and Forest Ave. @ Winchester Boulevard				
Parcel No.	303-17-048 and 049				
Township	7S	Range	1W	Section	15
				Base	

Proximity to:

Highways	280, 880
Airports	
Railways	
Waterways	
Schools	
Land Use	Vacant, Agricultural to Planned Development

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Noise; Population/Housing Balance; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Water Quality; Landuse

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Department of General Services; Native American Heritage Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 4; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received	04/26/2004	Start of Review	04/26/2004	End of Review	05/25/2004
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Resources Agency

☐ Resources Agency
Nadell Gayou

☐ Dept. of Boating & Waterways
Suzi Betzler

☐ California Coastal Commission
Elizabeth A. Fuchs

☐ Colorado River Board
Gerald R. Zimmerman

☐ Dept. of Conservation
Roseanne Taylor

☐ California Energy Commission
Environmental Office

☐ Dept. of Forestry & Fire Protection
Allen Robertson

☒ Office of Historic Preservation
Hans Kreutzberg

☐ Dept. of Parks & Recreation
B. Noah Tilghman
Environmental Stewardship Section

☐ Reclamation Board
Lori Buford

☐ Santa Monica Mountains Conservancy
Paul Edelman

☐ S.F. Bay Conservation & Dev't. Comm.
Steve McAdam

☒ Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

☐ Dept. of Fish & Game
Scott Flint
Environmental Services Division

☐ Dept. of Fish & Game 1
Donald Koch
Region 1

☐ Dept. of Fish & Game 2
Banky Curtis
Region 2

☒ Dept. of Fish & Game 3
Robert Floerke
Region 3

☐ Dept. of Fish & Game 4
William Laudemilk
Region 4

☐ Dept. of Fish & Game 5
Don Chadwick
Region 5, Habitat Conservation Program

☐ Dept. of Fish & Game 6
Gabriela Gatchel
Region 6, Habitat Conservation Program

☐ Dept. of Fish & Game 6 I/M
Tammy Allen
Region 6, Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

☐ Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture

☒ Dept. of General Services
Robert Sleppy
Environmental Services Section

☐ Dept. of Health Services
Wayne Hubbard
Dept. of Health/Drinking Water

Independent Commissions/Boards

☐ Delta Protection Commission
Debby Eddy

☐ Office of Emergency Services
John Rowden, Manager

☐ Governor's Office of Planning & Research
State Clearinghouse

☒ Native American Heritage Comm.
Debbie Treadway

☐ Public Utilities Commission
Ken Lewis

☐ State Lands Commission
Jean Saino

☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

☐ Caltrans - Division of Aeronautics
Sandy Hesnard

☐ Caltrans - Planning
Ron Helgeson

☒ California Highway Patrol
John Olejnik
Office of Special Projects

☒ Housing & Community Development
Cathy Creswell
Housing Policy Division

Dept. of Transportation

☐ Dept. of Transportation 1
Mike Eagan
District 1

☐ Dept. of Transportation 2
Don Anderson
District 2

☐ Dept. of Transportation 3
Jeff Pulverman
District 3

☒ Dept. of Transportation 4
Tim Sable
District 4

☐ Dept. of Transportation 5
David Murray
District 5

☐ Dept. of Transportation 6
Marc Blimbaum
District 6

☐ Dept. of Transportation 7
Stephen J. Buswell
District 7

☐ Dept. of Transportation 8
Linda Grimes,
District 8

☐ Dept. of Transportation 9
Gayle Rosander
District 9

☐ Dept. of Transportation 10
Tom Dumas
District 10

☐ Dept. of Transportation 11
Bill Figge
District 11

☐ Dept. of Transportation 12
Bob Joseph
District 12

Cal EPA

☐ Air Resources Board
Airport Projects
Jim Lerner

☐ Transportation Projects
Kurt Karperos

☐ Industrial Projects
Mike Tollstrup

☐ California Integrated Waste Management Board
Sue O'Leary

☐ State Water Resources Control Board
Jim Hockenberry
Division of Financial Assistance

☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

☐ State Water Resources Control Board
Steven Herrera
Division of Water Rights

☒ Dept. of Toxic Substances Control
CEQA Tracking Center

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)

☒ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

☐ RWQCB 3
Central Coast Region (3)

☐ RWQCB 4
Jonathan Bishop
Los Angeles Region (4)

☐ RWQCB 5S
Central Valley Region (5)

☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office

☐ RWQCB 6
Lahontan Region (6)

☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

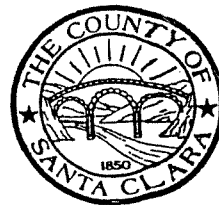
☐ RWQCB 8
Santa Ana Region (8)

☐ RWQCB 9
San Diego Region (9)

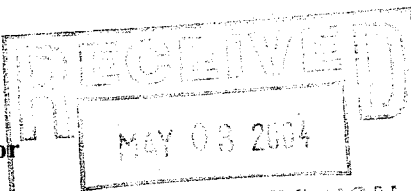
☐ Other

Last Updated on 01/12/04

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



ENVIRONMENTAL DECLARATION

For CLERK-RECORDER'S USE ONLY

POSTED ON 4-28-04 THROUGH 5-28-04
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY B. HORIUCHI, DEPUTY

FOR CLERK-RECORDER FILE STAMP

ENDORSED

APR 28 2004

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By B. HORIUCHI, Deputy

NAME OF LEAD AGENCY:

City of Santa Clara

NAME OF APPLICANT:

Summerhill Winchester
LLC + Santa Clara Methodist

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

E11620
CLERK-RECORDER
FILE # Retirement Foundation

1. ☒ NOTICE OF PREPARATION
2. ☐ NOTICE OF EXEMPTION
3. NOTICE OF DETERMINATION
NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE § 21080(C)
☐ \$1300.00 REQUIRED (\$1250.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - \$50.00 COUNTY CLERK FEE REQUIRED
4. NOTICE OF DETERMINATION
ENVIRONMENTAL IMPACT REPORT PURSUANT TO PUBLIC RESOURCES CODE § 21 152
☐ \$900.00 REQUIRED (\$850.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - \$50.00 COUNTY CLERK FEE REQUIRED
5. Other: _____

CA Dept. of Fish and Game
Receipt #

239095

NOTICE TO BE POSTED FOR 30 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL
DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING.
CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
Acting County Executive: Peter Kutras, Jr.

1 MAY 2004
PLAN 2003-03958; CEQ 2003-01011

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

DFG 753.5a (8-03)

Agency:

City of Santa Clara

State Agency of Filing:

CLERK-RECORDER, SANTA CLARA COUNTY

Title:

90 North Winchester Development Project

Applicant Name:

Emmerhill Winchester LLC, S.C. Methodist

Applicant Address:

90 North Winchester, Santa Clara, CA

Applicant (check appropriate box):

Local Public Agency ☐

State Agency ☐

School District ☐

Private Entity ☒

Other Special District ☐

APPLICABLE FEES:

Environmental Impact Report

Negative Declaration

Application Fee Water Diversion (State Water Resources Control Board Only)

Projects Subject to Certified Regulatory Programs

County Administrative Fee

Project that is exempt from fees

\$850.00 \$

\$1,250.00 \$

\$850.00 \$

\$850.00 \$

\$25.00 \$

Person receiving payment:

[Signature]

PROJECT APPLICANT

YELLOW-DFG/FASB

PINK-LEAD AGENCY

TOTAL RECEIVED \$

0

[Signature]

GOLDENROD-STATE AGENCY OF FILING

239095

Date: 9-28-08

Document No.: 11620

Phone Number: _____

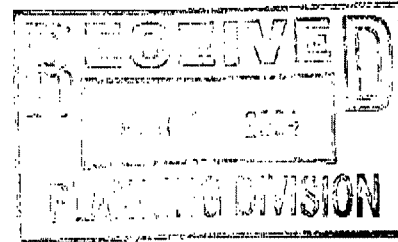


DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

May 5, 2004



Mr. Kevin Riley
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Riley:

90 North Winchester Development Project
Santa Clara County
SCH # 2003072093

The Department of Fish and Game (DFG) has reviewed the document for the subject project. We do not have specific comments regarding the proposed project and its effects on biological resources. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, if you are preparing an Environmental Impact Report, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Santa Clara County Clerk on or before filing of the Notice of Determination for this project.

If you have any questions, please contact Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

Cindy Catalano

Robert W. Floerke
Regional Manager
Central Coast Region

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

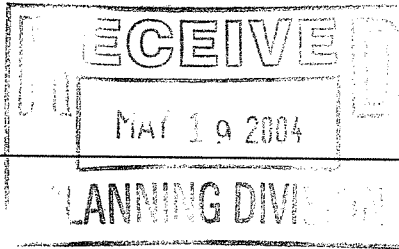
Conserving California's Wildlife Since 1870



County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



May 17, 2004

Kevin Riley
Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Revised Notice of Preparation (RNOP) of a
Draft Environmental Impact Report (DEIR)
90 North Winchester Development Project
CEQ2003-01011
SCH No. 2003072093
APN 303-17-48 and 49

Dear Mr. Riley,

We have reviewed the RNOP of a DEIR for North Winchester Development Project which we received on April 27, 2004 and the following are our comments:

Please submit a Traffic Impact Report to the County's Roads and Airports Department for review. The report should discuss and assess any potential traffic impacts and mitigations to County Expressways (i.e. San Tomas, Central, and Montague Expressways) in the vicinity of the project and any other affected County-maintained facilities.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 573- 2450.

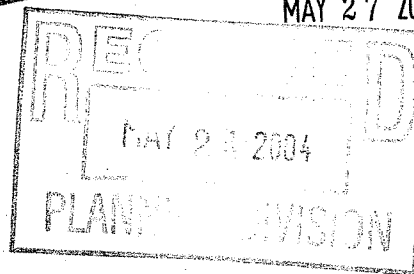
Sincerely,

Carmelo Peralta
Project Engineer

cc: MA, WRL, File

RECEIVED

MAY 27 2004



5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

**DISTRICT BOARD
OF DIRECTORS**

ROSEMARY C. KAMEI
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SIG SANCHEZ
AT LARGE

STANLEY M. WILLIAMS
CHIEF EXECUTIVE OFFICER
LAUREN L. KELLER
CLERK OF THE BOARD

May 18, 2004

Ms. Kathryn Mathewson
Valley Initiative for Values in Agriculture
1698 Hanchett Avenue
San Jose, CA 95128

Subject: Preserving Bay Area Research and Extension Center as Open Space

Dear Ms. Mathewson:

Thank you for your letter of April 7, 2004, requesting further Santa Clara Valley Water District participation in the efforts of Valley Initiative for Values in Agriculture to retain the former Bay Area Research and Extension Center as open space. After consideration, the Board of Directors has concluded that other agencies are better suited to provide the type of support requested, and recommends you contact them.

Sincerely,

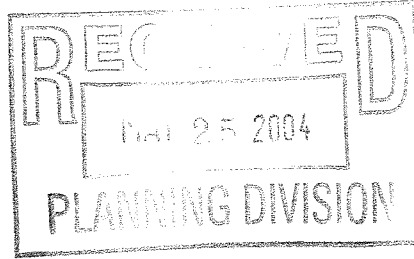
Joe Judge
Chair/Board of Directors

cc: Mr. Kevin Riley, City of Santa Clara
The Honorable Patricia Mahan, Mayor, City of Santa Clara
The Honorable James T. Beall, Jr., Supervisor, County of Santa Clara
The Honorable Ron Gonzales, Mayor, City of San Jose
The Honorable Mike Honda, U.S. House of Representatives
The Honorable Mike Honda, District Office

jj:bs:mg:jl
0512a-l.doc

Tracie Johnson
220 Bel Ayre Drive
San Jose, CA 95117

Santa Clara Planning Department
Kevin Riley
1500 Warburton Drive
Santa Clara, CA 95050



RECEIVED

MAY 24 2004

BUILDING INSPECTION DIVISION
CITY OF SANTA CLARA

May 23, 2004

Dear Mr. Riley,

I am a concerned resident that is responding to the "Revised Notice of Preparation" for the EIR for the BAREC site at N. 90 Winchester Ave. I live in the annexed neighborhood to the west of the proposed development at 90 North Winchester. I would love to see this land preserved as open space. Or perhaps used for percolation ponds and a resting place for birds. Maybe it could be developed as underground parking for Valley Fair and Santa Row with a park on top?

These would be desirable outcomes, but most of the information available suggests that this is not possible. But in these hard economic times, is the state forcing the city to make commitments about this property now? Would it be possible to drag our feet into a more prosperous time for the state of California and for the City of Santa Clara? A more prosperous time to make irreversible decisions about this property could only lead to a better outcome.

I know the city has committed to purchasing 6 acres for senior housing, has proposed to use one acre for a park, and is proposing the rest for medium density residential housing.

Traffic congestion and the necessary infrastructure needed are major concerns. The freeway access to 880 at Stevens Creek and at Bascom Ave. is already overloaded. Freeway access at Winchester/ 280 is only for Northbound on 280. The Saratoga/280 interchange is gridlock much of the day and new housing has just opened up right next to Harker Academy. Two new large housing developments together totaling at least 1300 units are going in on Winchester near the Toys R' Us. The proposed development at N. 90 Winchester will only have access out to Winchester and that east side of Forest.

Where will all these people get on the freeway? Some may go south to Campbell. Some will use Stevens Creek, but more will use "the back door" of the Bascom/880 interchange. The Cory Neighborhood has worked aggressively with Ken Yaeger and the city of San Jose to develop traffic calming structures in the area near the Bascom/280 interchange. They will surely resent an even greater onslaught of traffic and install even more traffic calming structures. They could possibly lobby to block right turns off of Winchester on to any small residential street. This could possibly lead to more traffic

near the University as this new population looks for freeway access as far North as the Alameda.

Is fire station #4 going to be the first response for this new area? Do they have a truck that can service a 3 or 4 story building? I know this one-truck station is scheduled for remodeling but will this small station need to be bigger to adequately protect this growing corner of the city?

What schools will the kids that live in this neighborhood attend? Will they go to Campbell Union, San Jose Unified or Santa Clara Unified? If they follow the rest of the kids in the annexed neighborhood they will be going to Campbell Union which is going to have a large surge in student population when those apartments on Winchester open up. If I had children and I was paying property taxes in this N. 90 development I would want my kids to go to the schools that my taxes are supporting. I am sure the developer would also want to see these kids going to Santa Clara Unified schools.

The North 90 Winchester property is surrounded on two sides by an annexed neighborhood with overhead utilities and substandard sewer, storm drains, sidewalks, and streets. How will this poor infrastructure be married effectively with the needs of the new development?

The general description of the proposed development lacks in the following areas. The 2 story homes that would occupy the perimeter of the site is contradictory to city codes that require permission from adjacent property owners to build two story dwellings next door. There are very few 2 story homes in the surrounding neighborhood and I know that residents on Dorcich, Henry and Forest are not in favor of new neighbors peering over the fence and into their windows.

Has putting access roads around the perimeter and facing the front yards towards these roads been considered? This could dramatically improve the site lines. Tall cinder block walls with thorny vines would make great fences between the old neighborhood and the new. A friend of mine lives in an older, 2 story development "Sunburst" in San Jose off of Bascom just east of Camden. It is surrounded by older single story homes but its intrusion is limited by this configuration; plus lots of speed bumps, and trees along the fence. This is of course an example of attached housing. Are the homes proposed attached town houses or are they actually single detached homes? I think choosing attached townhomes could be the lesser of two evils if it could create more park or open space without too much vertical encroachment on the surrounding neighborhood.

The proposed senior housing section is vague in the description of the footprint and the elevations of the two facilities. Is it safe to assume that the building near the southern property line would be more adjacent to the commercial properties that are next to the site and not the residents further west? Are the stories going to increase on the buildings that are closer to Winchester and decrease as they go back North towards the neighborhoods?

The six acre senior housing site will also include a landscaped garden area. I think I have heard one acre but that is not in this notice. I have also heard that the developer will decide on if it will be seniors only or if other residents in the area can use it.

The project would also include a one acre park in the northwest corner of the site. Isn't the proposed emergency access for the site also in the same corner? How could these two features be functionally and aesthetically compatible? The proposed park is also said to be typical of other parks in the city with a grass and a play area. There is already a typical park a few blocks away where Forest dead ends at San Tomas. There is also one on Los Padres with similar facilities. A one acre park would have little or no positive impact on the neighborhood except that it would give the Valley Fair employees a good place to take a break and eat their lunch. Parks of this size and near a city boundary are also known as an invitation to inappropriate activity and a source of law enforcement problems.

As one alternative I would suggest that the city, Summerhill, and the Santa Clara Methodist Retirement Foundation collaborate on a useful recreational facility/park space of at least 3 acres to serve Santa Clara. Central Park offers many recreational activities to residents that are in short supply in this growing city. They will become even higher in demand when the old Kaiser hospital is rebuilt with more senior housing. We are living longer and healthier lives and we need more places to swim, play tennis, bocci ball or take a yoga class.

Can these three entities pool together enough land for a "semi-private" facility that could perhaps provide some of these recreational activities to only Santa Clara residents? (And I would hope that the city council would strongly consider the positive long term impact on the city and consider purchasing another acre to add to land for this purpose.) Perhaps "free" to seniors living at N. 90 Winchester and small monthly or yearly membership fee to Santa Clarans that live in the surrounding neighborhoods? I would gladly pay a reasonable membership fee to be able to walk over to a local community center to swim or play tennis.

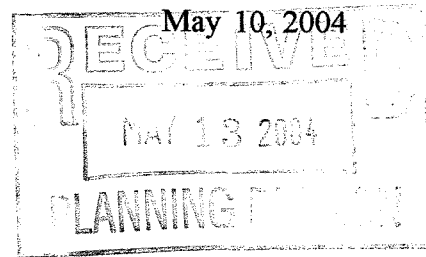
I am very saddened about probably loosing this last bit of our agricultural land and an open space, but I do hope that we can at least say that the community is going to gain something other than just more housing and more congestion.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracie Johnson", with a long, sweeping horizontal line extending to the right.

Tracie Johnson

Kevin Riley, Principal Planner
City of Santa Clara
Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050



Mr. Riley,

In responding to the Draft Environmental Impact Report (DEIR) regarding the property at 90 N. Winchester Boulevard, I am struck immediately by two elements of the proposed development which some members of the City Council are choosing to deliberately overlook:

First, it has been stated officially by employees of the City of Santa Clara that the **development of residential and senior housing at this site will not pay for itself**. So we the citizens of Santa Clara are to bear the burden of the additional costs of development (vs. no development), for it is assumed, 'the greater public good'.

Fair enough, however quoting the statement of Mr. Goodfellow, the City of Santa Clara Director of Planning and Inspection as reported in the minutes of the City's January 15, 2003 'neighborhood outreach' meeting,

"...The **vast majority** of the people speaking at the neighborhood meetings do **want open space**."

So we can conclude that certain members of the City Council are imposing their will upon the citizens they supposedly serve, and expect us to pay the cost.

I could attempt further arguments, responding directly to the DEIR in the areas of Noise, Terrestrial Biology, Cultural Resources, Traffic, Air Quality, and Land Use, but it is certainly clear to me that all of these segments of the environment will be adversely affected by this fundamentally dishonest proposal by the City Council of Santa Clara. Otherwise the majority of citizens wouldn't be against this development proposal.

I urge you to support the voice of the people who live in the City of Santa Clara, and retain this beautiful open space located at 90 North Winchester.

Please ignore the dishonest voices of the members of the City Council who merely seek to curry favor with the developers, and advance their political careers.

Sincerely,

Jim Flanegin
136 Douglane Avenue
Santa Clara, CA 95117-1019

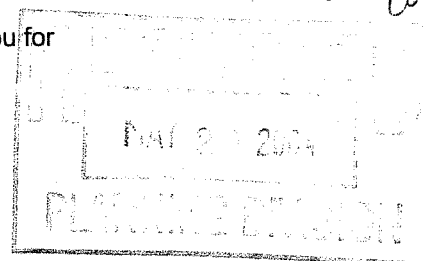
cc: members of the Santa Clara City Council
southofforest@yahoogroups.com

From: "Kathryn Mathewson" <kmathewson@secretgardens.com>
To: "Mayor Patricia Mahan" <MayorandCouncil@ci.santa-clara.ca.us>
Date: 5/19/04 9:57AM
Subject: Response to City's BAREC Notice (NOP) April 23, 2004

*Planning
Review
For EIR
Consultants
↓ our file
— Out*

Please forward the attached letter to the City Council Members. It is a response to the City's NOP BAREC Notice dated April 23, 2004. Thank you for your attention to this very important issue. I will also be sending a hard copy but thought the Council might want to begin discussing these issues since the due date for the public's response is May 26, 2004.

Kathryn Mathewson
408-292-9595
kmathewson@secretgardens.com



V I V A

(Valley Initiative for Values in Agriculture)

1698 Hanchett Avenue

San Jose, CA 95128

(408) 292- 9595 fax (408) 292- 9166

www.savebarec.org

info@savebarec.org

May 9, 2004

Santa Clara City Council
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050

RE: Response to Revised BAREC NOP Dated April 23, 2004

Dear Santa Clara City Council:

This letter is a response to your April 23, 2004 Revised Notice of Availability for the Preparation (NOP) of an EIR for BAREC which was mailed on April 27, 2004. There appears to be many inaccuracies or questionable language to this NOP. Following are some of them:

1. The Notice states: "The City is the designated Lead Agency." This cannot be true as it is the State of California is Lead Agency. As such, the State is responsible for the EIR and not as stated in the Notice "the State of California's Department of General Services (DGS) will assist the City with preparation of an EIR". The State has hired at least two different consultants to do BAREC's EIR and, we were told at several meetings that DGS was doing some of the EIR work in-house. Last summer the community was asked to send their comments for the EIR to DGS and EDAW. Why are you suggesting a change midstream when the State has been preparing the BAREC EIR for almost one year?
2. The Notice states that the City's proposed actions would include: "a Tentative Map for the proposed development". What happened to the State's developer, Summerhill Homes, whose plan was presented at the February 10th City Council meeting? The City requested that the plan revise their open space with a more creative solution. For a year and one-half the State has told the public the plan to proceed and we expect this process to continue with what we have been told.
3. Why does this Notice say that the City of San Jose is a "Responsible Agency" when the San Jose City Council knows nothing about this? In fact, the San Jose City Council has voted to try to keep as much of BAREC in open space as possible.
4. The Notice states: "Over the past decade use of the site has decreased as technology in agricultural operations has improved". This is misleading the public and is not an appropriate description for the BAREC land. In fact, as

the process to sell BAREC: "It is "abominable process" and done in a "surreptitious manner"...and this kind of process appears to continue.

9. In the future my organization, VIVA, would request that you not hand stamp your mailings because this means you can mail them at any time you wish. Although the Notice stated that it was mailed on April 27, 2004, I personally did not receive it until May 6th, ten days later.
10. Regarding the senior housing facility, the Notice states that the parking for this facility will be underground. However, your planning staff states that it will only be partially underground. Which is true and what does partially underground mean? This is important because it will determine the height of the buildings and, therefore, the shadows cast onto the neighboring homes.

We believe that the BAREC plans are the most important plans you will be reviewing in these next few years. The direction you take with this land will determine the kind of city Santa Clara becomes. BAREC has contributed to your community since 1886. Therefore, it should be treated with reverence and not with such thoughtlessness.

Sincerely,

Kathryn Mathewson, VIVA

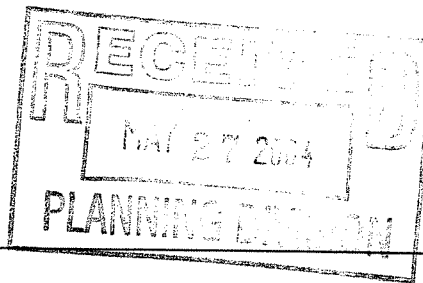
P.S. Please visit our website, www.savebarec.org for a copy of the BAREC NOP discussed in this letter.

Cc: Councilmember Ken Yaeger, Councilmember Linda LeZotte, Councilmember Cindy Chavez, Vice-Mayor Pat Dando, Senator John Vasconcellos, Elaine Alquist, Meg Caldwell (Stanford Environmental Law Professor), Terry Trumbull (Environmental Lawyer), Dr. Rachel O'Malley (EIR Professor at SJ State), Ted Smith (Silicon Valley Toxics Coalition), Michael Closson (Acterra Executive Director), Craig Breon (Audubon Society), Brian Schmidt (Environmental Attorney), Lennie Roberts (Committee for Green Foothills), Preservation Action Council, Joe Cernac (Sierra Club), Jan Hintermeister (Santa Clara County Open Space Authority), Sharon McCray (President Master Gardeners Foundation and Prusch Farm Park Foundation), Santa Clara Valley Water District Board, Santa Clara Valley Water District Landscape Advisory Board, Kevin Riley, Dan Potash

County of Santa Clara

Environmental Resources Agency
Department of Environmental Health

Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300
San Jose, California 95112-2716
(408) 918-3400 FAX (408) 280-6479
www.EHinfo.org



May 24, 2004

Mr. Kevin Riley, AICP
Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

RE: Revised Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Riley:

Thank you for the opportunity to review the scope and content of the environmental information you provided on April 26, 2004 for the project titled:
90 North Winchester Development Project
Files PLN2003-03744, PLN2003-03745, PLN 2003-03958
and CEQ2003-01011
APN 303-17-48 and
SCH No. 2003072093.

The County of Santa Clara Department of Environmental Health has no comments.

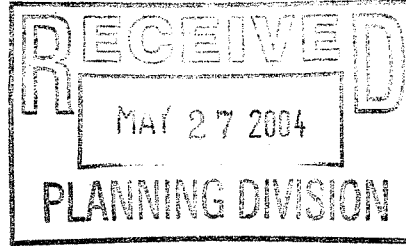
Future communications should be directed to the Director of the Department of Environmental Health, Ben Gale at the address given in the letterhead.

Sincerely,

Antone Pacheco, Director
Hazardous Materials Compliance Division

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-5505
(800) 735-2929 TTY



*Flex your power!
Be energy efficient!*

May 24, 2004

SCL-880-1.25
SCL880215
SCH2003072093

Mr. Kevin Riley
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Riley:

90 North Winchester Development Project – Revised Notice of Preparation (R-NOP)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the R-NOP and have the following comments to offer:

Our primary concern with the project is the potentially significant impact it may have to traffic volume and congestion. In order to address our concerns regarding the proposed development, we recommend a traffic impact analysis be prepared. The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Current Average Daily Traffic (ADT), AM, and PM peak hour volumes on all significantly affected streets, highway segments, intersections and ramps.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus master plan, and 3) cumulative for the intersections in the master plan area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate

From: Cameron Colson <cameroncolson@californiacompliant.com>
To: <kriley@ci.santa-clara.ca.us>
Date: 5/26/04 11:50AM
Subject: On record

Dear Kevin,

I would like to extend to you my support of the BAREC site for use as an educational open space opportunity. I feel strongly in this matter and have begun a proven alternate method to address this issue from that of the "save BAREC" campaign.

Please put me on the list of interested parties willing to review the various EIR's of the proposed uses.

The following attached information was delivered to the city last night.

I would ask you to review this attached document and confirm your receipt and understanding of the following.

I thank you in advance for your cooperation. Your attention to this matter is appreciated.

Truly,

Cameron M. Colson
408-374-4935

CC: <mayorandcouncil@ci.santa-clara.ca.us>

25 May 2004

BEFORE the HONORABLE and ETHICAL SANTA CLARA CITY
COUNCIL

My name Cameron M. Colson 408-374-4935

I am a homeowner in the Cambrian area 15231 Herring Avenue

I am a business owner in Sunnyvale 656 Taylor Ave

I am the sole patent holder to the best available technology for storm drain
infrastructure protection and storm water pollution prevention
management.

I am here tonight to present information to the city council that shall be useful to
meet mandates in this highly environmentally regulated climate. The following
information shall assist city decision makers in strengthening good relations with
the overwhelming voice of citizen input on this matter of BAREC. The purpose of
information tonight will provide decision-makers a basis to satisfy concerned
citizen interests and validate a common sense decision to foresee and forestall
future crisis.

The following information shall become public record and will weigh on the
decision of the EIR and land use options of the BAREC site.

I submit the following information to become part of the BAREC / EIR:

- 1) An article from the Land and Water Development Division FAO/AGL of
the United Nations.**

Website address goto

<http://www.fao.org/AG/AGL/agll/soilbiod/consetxt.stm#agro>

SUMMARY: Quotes in this article *discuss Food Quality and Safety, Biotechnology (soil
organisms used for medicines, biocontrols of pests, food processing), Bioremediation, Biodiversity of
soils, Protection from local Bioterrorism, Maintain and sustain urban agriculture for the huge
population growth expected*

Socio-economic reasons

Ecological reasons

Ethical or moral reasons

These are reasons why BAREC should be kept in open

space and its soil thus preserved for posterity.

And references as they relate directly the "environmentally superior" use of BAREC property as the citizen preferred **educational open space**. The City Council and EIR researchers need know that the soil at BAREC is considered the best in the world and we need to keep up the study of this soil biodiversity for the health of all mankind. There are organisms in this soil not found anywhere else in the world. If properly managed it would teach us how to clean up the experimental chemicals used in this soil. We would learn to fix the mistake of using an "ECONOMIC POISON" a lesson now learned, instead of running away from the problem by taking the soil to some other site. *Moving BAREC's soil is a form of Bio-piracy and does not resolve the cradle to grave liability.*

Also, the Council needs to know that there is no soil lab in California, which studies the life in soil. This is different from the majority of soils testing that only study the chemistry of soil. California needs a soil lab, which studies the soil's life. This study is important because of the compost work previously done at BAREC, there are many prominent figures that would like to continue this work at BAREC. The soil problem at BAREC would be an excellent opportunity to advance the understanding of bioremediation of contaminated soils. *With this research could come new jobs and a new industry for Santa Clara. This city could become world renowned for its contribution to humanity and the environmental issues and give this City Council an opportunity to create a legacy for the city.*

2) Staff and EIR researchers shall review all relevant input per CEQA.

NOTICE: BAREC EIR's prepared and available at San Jose State University.

SJSU students' final in the Environmental Studies Dept, EIR Class was to compose an EIR for each of the Land-use proposals before the city. These Power Point Presentations are available to the city staff and shall be utilized by the city as part of its requirement to review all relevant information as it pertains to the EIR.

CONTACT: Professor: Dr. Rachael O'Malley (romalley@email.sjsu.edu)

Environmental Studies Department

One Washington Square San Jose, CA 95192

408-924-5424 (voice) 831-423-7774 408-924-5477 (fax)

Course: Environmental Studies Dept, EIR Class (the only one in the Bay Area and thus students come from as far away as Santa Rosa, Monterey, and Berkeley to take this class).

It is hoped that VIVA will be able to place these student reports on a disk for you and your staff.

It will certainly be able to make the PowerPoint's available for the public domain on the website of www.savebarec.org.

I personally attended the class presentations and was most impressed with the thoroughness. I will tell you the Class consensus on "environmental superiority" were for agricultural open space with various educational programs as components with ways to bring in funding for it. The "community garden" aspect was one of these components which was repeated in all the presentations. I think it would also be fair to say that the students came up with some much more creative designs for the property than what has been seen to date for the property. It would be a good idea for the City Council to review these ideas along with staff.

3) EIR research requires past uses

Experimental pesticide chemicals were used at this site. In the current condition this site may be defined as a BROWNSFIELD.

Additionally, the record shall show information that represents a disturbing discovery; some certain residents directly adjacent to this facility site have cancer. It shall be required of the lead agency and DTSC to complete an analysis of chemicals use and sample resident's bloods for persistent organs. Clarification as a Brownsfield would also require sampling for contaminants that may be present on adjacent land. Because the UC is a subsidiary of the State of California the attorney general needs to be notified that remuneration may be owed these peoples for involuntary exposure. The UC and State are responsible for cradle to grave provisions of any hazardous materials. It would be recommended for the city to relinquish any title or lead responsibility to this site until the foregoing has been resolved and remediated.

I Recommend an educational open space trust be created for the use of

bioremediation as an educational program to cleanup polluted sediments / soils and ongoing educational opportunities. *Both San Jose State University and Santa Clara University Environmental Studies Departments would welcome the opportunity to help with this process.*

The following presentation submitted to the public record on the BAREC matter before the CITY OF SANTA CLARA CITY COUNCIL 5/25/04.

From: Kim Fettahlioglu
To: Cameron Colson
Date: 5/26/04 2:40PM
Subject: Re: On record

Your message has been received in the Mayor and Council email and will be distributed appropriately.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> Cameron Colson <cameroncolson@californiacompliant.com> 05/26/04 11:50AM >>>
Dear Kevin,

I would like to extend to you my support of the BAREC site for use as an educational open space opportunity. I feel strongly in this matter and have begun a proven alternate method to address this issue from that of the "save BAREC" campaign.

Please put me on the list of interested parties willing to review the various EIR's of the proposed uses.

The following attached information was delivered to the city last night.

I would ask you to review this attached document and confirm your receipt and understanding of the following.

I thank you in advance for your cooperation. Your attention to this matter is appreciated.

Truly,

Cameron M. Colson
408-374-4935

CC: Geof Goodfellow; Judith Silva; Kevin Riley

From: Kim Fettahlioglu
To: Nancy Bernardi
Date: 5/24/04 9:49AM
Subject: Re: Save BAREC!!!

cc: Council
CFO
Planning
Jedith
Geoff

Thank you for your concern and comments. Your message has been received and copied to the Mayor and City Council Members, City of Santa Clara as well as our City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "Nancy Bernardi" <gcrd@pacbell.net> 05/21/04 04:08PM >>>
Honorable Mayor and City Council Members:

I am enclosing a letter regarding the land that is proposed for a zoning change from agriculture to urban use. Since this land could provide unlimited educational opportunities in our county, please deny the proposed zoning change.

Thank you for your consideration.

Sincerely,
Nancy Bernardi

From: Kim Fettahlioglu
To: Linda Riebel
Date: 5/24/04 9:48AM
Subject: Re: barec

Thank you for your concern and comments. Your message has been received and forwarded to the Mayor and City Council Members as well as our City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "Linda Riebel" <linda.riebel@earthlink.net> 05/21/04 11:55AM >>>

Please save the designation of The Bay Area Research and Extension Center (BAREC). Non-developed land is precious in a city as populous as San Jose. Linda Riebel, Almaden Valley resident

From: Kim Fettahlioglu
To: Mary McVey Gill
Date: 5/24/04 9:49AM
Subject: Re: Save BAREC!!!

Thank you for your concern and comments. Your message has been received and copied to the Mayor and City Council Members, City of Santa Clara as well as our City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> Mary McVey Gill <mmg@stanford.edu> 05/22/04 09:12PM >>>
Please keep the agricultural zoning for BAREC! Do not let developers
have this precious 17 acres.

Mary Gill
734 San Rafael
Stanford CA 94305

From: Kim Fettahlioglu
To: Tracie Johnson
Date: 5/24/04 3:38PM
Subject: Re: FW: BAYREC EIR input - proposal needs more rec/park space!

Thank you for your comments and concerns. Your message has been received and distributed to the Mayor and City Council Members as well as the City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "Tracie Johnson" <tracie_johnson@fuhsd.org> 05/24/04 03:29PM >>>

> Dear Mayor and Council,

>

> Here is the letter I am delivering to Kevin Riley for public input on the development of the EIR for the BAREC property. The City of Santa Clara is weathering the current financial crisis of the state better than many of its municipal neighbors. Please consider purchasing enough of BAREC property to build a feasible park/rec facility that will ease some of the heavy usage of the Central Park area and its related facilities. As we add more housing in the city, and in particular when the old Kaiser Hospital becomes senior housing this need will be heightened. We are living longer and healthier and we need places to practice our healthy lifestyles!

>

> Sincerely,

>

> Tracie Johnson

>

>

>

> Tracie Johnson

> 220 Bel Ayre Drive

> San Jose, CA 95117

>

> Santa Clara Planning Department

> Kevin Riley

> 1500 Warburton Drive

> Santa clara, CA 95050

>

> May 23, 2004

>

> Dear Mr. Riley,

>

> I am a concerned resident that is responding to the > "> Revised Notice of Preparation> "> for the EIR for the BAREC site at N. 90 Winchester Ave. I live in the annexed neighborhood to the west of the proposed development at 90 North Winchester. I would love to see this land preserved as open space. Or perhaps used for percolation ponds and a resting place for birds. Maybe it could be developed as underground parking for Valley Fair and Santa Row with a park on top?

>

> These would be desirable outcomes, but most of the information available suggests that this is not possible. But in these hard economic times, is the state forcing the city to make commitments about this

to the commercial properties that are next to the site and not the residents further west? Are the stories going to increase on the buildings that are closer to Winchester and decrease as they go back North towards the neighborhoods?

>

> The six acre senior housing site will also include a landscaped garden area. I think I have heard one acre but that is not in this notice. I have also heard that the developer will decide on if it will be seniors only or if other residents in the area can use it.

>

> The project would also include a one acre park in the northwest corner of the site. Isn't the proposed emergency access for the site also in the same corner? How could these two features be functionally and aesthetically compatible? The proposed park is also said to be typical of other parks in the city with a grass and a play area. There is already a typical park a few blocks away where Forest dead ends at San Tomas. There is also one on Los Padres with similar facilities. A one acre park would have little or no positive impact on the neighborhood except that it would give the Valley Fair employees a good place to take a break and eat their lunch. Parks of this size and near a city boundary are also known as an invitation to inappropriate activity and a source of law enforcement problems.

>

> As one alternative I would suggest that the city, Summerhill, and the Santa Clara Methodist Retirement Foundation collaborate on a useful recreational facility/park space of at least 3 acres to serve Santa Clara. Central Park offers many recreational activities to residents that are in short supply in this growing city. They will become even higher in demand when the old Kaiser hospital is rebuilt with more senior housing. We are living longer and healthier lives and we need more places to swim, play tennis, bocci ball or take a yoga class. >

>

> Can these three entities pool together enough land for a > "> semi-private> "> facility that could perhaps provide some of these recreational activities to only Santa Clara residents? (And I would hope that the city council would strongly consider the positive long term impact on the city and consider purchasing another acre to add to land for this purpose.) Perhaps > "> free> "> to seniors living at N. 90 Winchester and small monthly or yearly membership fee to Santa Clarans that live in the surrounding neighborhoods? I would gladly pay a reasonable membership fee to be able to walk over to a local community center to swim or play tennis.

>

> I am very saddened about probably losing this last bit of our agricultural land and an open space, but I do hope that we can at least say that the community is going to gain something other than just more housing and more congestion.

>

> Sincerely,

>

>

>

> Tracie Johnson

>

>

>

City of Santa Clara
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050

May 22, 2004

RECEIVED

MAY 25 2004

OFFICE OF THE MAYOR
CITY OF SANTA CLARA

Dear Santa Clara City Council:

The 17 acres of the University of California Agricultural Research Center (BAREC) is a unique one of a kind place. The research on this property has been vital to individual health and to such environmental issues as recycling, pollution reduction, drought, Santa Clara and San Mateo County historical weather records, and appropriate plants for our soil and climate. With its closing the 500 plus Santa Clara County Master Gardeners no longer have a home to educate the public about these important issues. For these and many more reasons I urge you to keep the BAREC property agriculturally zoned.

Since it was considered the State's leader in the rural/urban interface issues and since it has greatly contributed to our culture and history for over 140 years, I believe it is also important you recognize its historical importance to our community and to the State by supporting its City, State, and National Historical Registry status.

Because of its unique history and its location in the middle of our metropolitan area, the property has great potential to bring federal, state, and private foundation money to the City of Santa Clara. The permanent jobs this would create and the good it could bring would far outweigh a housing development which can go anywhere in the Valley and which would eventually become a drain on the City's economy. This land could become a stimulus for new kinds of jobs not yet seen in the Valley and help get us back on track to becoming a more diverse healthy economy. This is something we need as Santa Clara County currently has the highest unemployment rate in the Bay Area. "The average acre of farmland in San Francisco earns \$123,000 per year" quoted from the Agriculture Census.

I urge you to demonstrate your visionary leadership for future generations and vote to keep this 17 acres agriculturally zoned.

Gratefully,

Mr. and Mrs. Allen E. Hastings
3940 Grove Avenue
Palo Alto, Ca. 94303

RECEIVED

MAY 24 2004

City of Santa Clara
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050

OFFICE OF THE MAYOR
CITY OF SANTA CLARA

Dear Santa Clara City Council:

The 17 acres of the University of California Agricultural Research Center (BAREC) is a unique one of a kind place. The research on this property has been vital to individual health and to such environmental issues as recycling, pollution reduction, drought, Santa Clara and San Mateo County historical weather records, and appropriate plants for our soil and climate. With its closing the 500 plus Santa Clara County Master Gardeners no longer have a home to educate the public about these important issues. For these and many more reasons I urge you to keep the BAREC property agriculturally zoned.

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I urge you to demonstrate your visionary leadership for future generations and vote to keep this 17 acres agriculturally zoned.

Gratefully,

Toni Gregorio Bunch



Mr. Toni Gregorio Bunch
708 Amanda Dr.
San Jose, CA 95136

From: Kim Fettahlioglu
To: Nancy Bernardi
Date: 5/24/04 9:49AM
Subject: Re: Save BAREC!!!

ccouncil
CPO
Planning
Jedith
Geoff

Thank you for your concern and comments. Your message has been received and copied to the Mayor and City Council Members, City of Santa Clara as well as our City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "Nancy Bernardi" <gcrd@pacbell.net> 05/21/04 04:08PM >>>
Honorable Mayor and City Council Members:

I am enclosing a letter regarding the land that is proposed for a zoning change from agriculture to urban use. Since this land could provide unlimited educational opportunities in our county, please deny the proposed zoning change.

Thank you for your consideration.

Sincerely,
Nancy Bernardi

RECEIVED
MAY 25 2004
City of Santa Clara
Planning Division

From: Kim Fettahlioglu
To: Linda Riebel
Date: 5/24/04 9:48AM
Subject: Re: barec

Thank you for your concern and comments. Your message has been received and forwarded to the Mayor and City Council Members as well as our City Manager's office for information.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "Linda Riebel" <linda.riebe1@earthlink.net> 05/21/04 11:55AM >>>

Please save the designation of The Bay Area Research and Extension Center (BAREC). Non-developed land is precious in a city as populous as San Jose. Linda Riebel, Almaden Valley resident

Geoff
Judith
CMO

From: "Jim Flanegin" <jflanegi@pacbell.net>
To: <southofforest@yahoo.com>, <MayorandCouncil@ci.santa-clara.ca.us>
Date: 5/24/04 6:57PM
Subject: RE: [southofforest] BAREC Update

Thanks for this timely notification. The text of the letter I have sent to Mr. Riley and the City Council is below:

Mr. Riley,

In responding to the Draft Environmental Impact Report (DEIR) regarding the property at 90 N. Winchester Boulevard, I am struck immediately by two elements of the proposed development which some members of the City Council are choosing to deliberately overlook:

First, it has been stated officially by employees of the City of Santa Clara that the development of residential and senior housing at this site will not pay for itself. So we the citizens of Santa Clara are to bear the burden of the additional costs of development (vs. no development), for it is assumed, 'the greater public good'.

Fair enough, however quoting the statement of Mr. Goodfellow, the City of Santa Clara Director of Planning and Inspection as reported in the minutes of the City's January 15, 2003 'neighborhood outreach' meeting,

"...The vast majority of the people speaking at the neighborhood meetings do want open space."

So we can conclude that certain members of the City Council are imposing their will upon the citizens they supposedly serve, and expect us to pay the cost.

I could attempt further arguments, responding directly to the DEIR in the areas of Noise, Terrestrial Biology, Cultural Resources, Traffic, Air Quality, and Land Use, but it is certainly clear to me that all of these segments of the environment will be adversely affected by this fundamentally dishonest proposal by the City Council of Santa Clara. Otherwise the majority of citizens wouldn't be against this development proposal.

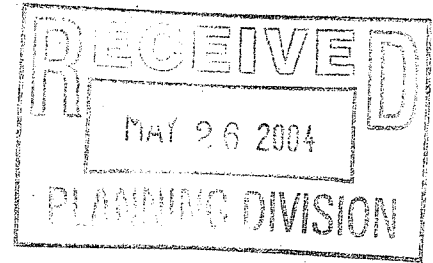
I urge you to support the voice of the people who live in the City of Santa Clara, and retain this beautiful open space located at 90 North Winchester.

Please ignore the dishonest voices of the members of the City Council who merely seek to curry favor with the developers, and advance their political careers.

Sincerely,

Jim Flanegin
136 Douglane Avenue
Santa Clara, CA 95117-1019

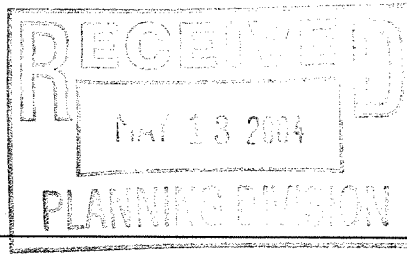
-----Original Message-----



County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



May 11, 2004

Mr. Kevin Riley
AICP Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Revised Notice of Preparation of a Draft Environmental Report (DEIR) -90 North
Winchester Development
Files PLN2003-03744, PLN2003-03745, PLN 2003-03958

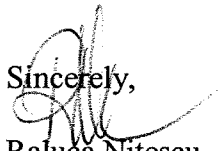
Dear Mr. Riley,

Your April 26, 2004 Revised Notice of Preparation of a Draft Environmental Impact Report along with the attachments for the subject project have been reviewed. Our comments are as follows:

1. Please include in the traffic impact study the following intersections:
 - San Tomas Expressway at Homestead Road
 - ✓ - San Tomas Expressway at Pruneridge Avenue
 - San Tomas Expressway at Saratoga Avenue
 - ✓ - San Tomas Expressway at Stevens Creek Blvd.

Thank you for the opportunity to review and comment on the subject project. If you have any questions, please call me at 408-573-2464.

Sincerely,

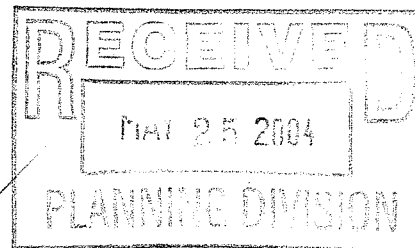

Raluca Nitescu
Project Engineer

Cc: MA, AP, WRL, File

RECEIVED

JUN 17 2004

Lilyann Brannon
3560 Andrea Court
San Jose, CA 95117-2908
408-241-5769 (fax # 249-7932)



May 12, 2004

Geoffrey Goodfellow, City Planner,
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Goodfellow and All Concerned About BAREC:

I represent many citizens of Santa Clara and California, people who have paid dues to environmental organizations, demonstrating with their pocketbooks, how strong their feelings are about the quality of life for oncoming generations. As current residents of our planet, everyone should consider those who follow. We cannot accept heritage public land and not hand it on, in at least as good condition as we received it.

We have heard that "infill" housing development is environmentally desirable over the continual elimination of outlying farmland, but the subject here is not just a matter of continuing sprawl but also one of impactation. We need to recognize that not all open space within an urbanized area is a building site. There is value in the land itself that surpasses the monetary value of construction of housing.

The proponents of housing on the BAREC site might say that such use of the land would help Santa Clara meet its needs for housing. Proponents of Senior and Affordable Housing are eager to see any new units made available. Yet there is no longer a desperate need for Senior housing and we know that the present Kaiser Hospital site will soon be available.

Labor proponents may support housing development because it means some new (albeit temporary) jobs. But they, too, are citizens who also have hopes that their children or others yet unborn will have a liveable environment. The perpetual jobs that accompany agriculture could provide more lasting economic stability.

An informal survey of the residents of Valley Village, a senior citizen development a few blocks north of BAREC, has shown that virtually no one there supports the development of this site. Instead, they want accessible open space. Currently their only open space within walking distance is a cemetery.

As someone whose life has been focused on affordable housing, particularly since 1982, I certainly want to see the homeless and very-low-income citizens housed. And I assure you they don't want to see their children packed into a "concrete jungle" of houses.

Then, too, there are the citizens who live in the neighborhood, particularly the ones whose property is contiguous to the BAREC site. They made their feelings clear during the Planning Department hearings last year. NO MORE HOUSES!

The proposed development for which the Environmental Impact Report being prepared does not reflect the history of the land nor its special geographic location. The plans could be applied to hundreds of sites across the nation. But those points are the very reasons this project should be rejected.

The land is unique in that:

1. It has been used for the good of the public since the 1880s and has great historical value.
2. It is the last of its kind.
3. There is no other land to replicate or replace it.
4. The soil had been considered Class 1 of Class A, and could be restored to that condition.
5. The location is ideal for serving the public, with several bus lines serving it..

The size of this site is small compared to the developments the potential buyers are known for. The loss of this site as a new project will not seriously impact their corporate "bottom line". It is conceivable that the very developers who propose housing on this site might also want to be benefactors in this instance and leave a legacy that would honor their names..

There are national, state and local agencies with access to funding, which could provide some acquisition money. There are also individual and organizations eager to save this land as a heritage farm. The acreage is enough to operate a productive farm, which would provide income as well as educational value to the area. A heritage farm could include an orchard, a barn with animals and poultry and the fields on which to grow their food.

The farm should have its "truck garden" so the produce could go to market, and hopefully, some space would be allocated to community garden plots. Young and old alike learn by doing; and having some earth in which to grow your own vegetables results in healthy minds as well as bodies.

Instead of schools busing students to far off places in order to introduce them to an actual farm, they would have the resource they need, right here at home. Students and even entire classes could gain scholastic credit for garden projects!

The City of Santa Clara would not have to provide the same level of service for the site, such as police and fire protection, if a farm, instead of housing occurs. An emergency road from Forest Avenue should be made available, but the main access road would be from Winchester Blvd. near Forest Ave., where the office for the BAREC is situated.

That building would lend itself to becoming a first-class restaurant, serving fresh, organic farm products. All parking should be underground, with the excavation spoils being used to create a high mound. That mound would separate the farm from the restaurant and multi-story structure along Winchester.

That building would accommodate residential units (senior and low-income) over a large public meeting room. Weddings and large parties could use the full space, while smaller spaces could be rented for smaller events. The one to three-bedroom, one and two bath apartments could satisfy the residential needs and provide steady income for the owners of the property.

Public access to the farm would be restricted to guided tours during the week and sunrise to sunset access on weekends. Security personnel would be on site whenever the public is allowed.

There are details that can be refined to make the Heritage Farm operate properly. But the essential thing is that the land not be rezoned. It must retain its agricultural zoning for the eleven-acre farm, if the City of Santa Clara exercises its option to buy six acres, which I propose should be along Winchester Blvd.

Respectfully submitted,

Lilyann Brannon
3560 Andrea Court
San Jose, CA 95117-2908



From: Marisha Banister <marisha222@yahoo.com>
To: <mayorandcouncil@ci.santa-clara.ca.us>
Date: 6/14/04 1:23PM
Subject: agricultural zoning

Dear Mayor Mahan and City Council Members,

I am writing to request that you stop the proposed zoning change from agricultural to housing on the UC Agricultural Center (BAREC) property in Santa Clara. Open space and agricultural land are becoming increasingly scarce in the Santa Clara Valley, and this historically important piece of agricultural land should be preserved. Converting the property into an urban agriculture/horticulture education and demonstration area would be a much more needed and appropriate response than adding just another housing development. I encourage you to keep BAREC's agricultural zoning and protect this unique piece of land.

Sincerely,
Marisha Banister,
Stanford University

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Friends. Fun. Try the all-new Yahoo! Messenger.
<http://messenger.yahoo.com/>

Sincerely,
James J. Oliver
Print Name: James J. Oliver
Address: 102 Lopez Ave
San Jose, CA 95128

I oppose the intended zoning change
of the U.C. Agricultural/Bay Area
Research and Extension Center (BAREC
property. Retain its agricultural
and horticultural usage and zoning.

Dear City Council Members,
Date: 5/20/04

Dear City Council Members, Date: 5/20/04

I oppose the intended zoning change
of the U.C. Agricultural/Bay Area
Research and Extension Center (BAREC
property. Retain its agricultural
and horticultural usage and zoning.

Sincerely, Michelle M. Guzdek
Print Name: Michelle M. Guzdek
Address: 512 Rutland Ave
San Jose, CA 95128

Dear City Council Members, Date: / /

I oppose the intended zoning change
of the U.C. Agricultural/Bay Area
Research and Extension Center (BAREC
property. Retain its agricultural
and horticultural usage and zoning.

Sincerely, John J. Furlan
Print Name: John J. Furlan
Address: 1220 Shasta Ave.
San Jose
CA 95126

Dear City Council Members, Date: 5/27/04

I oppose the intended zoning change
of the U.C. Agricultural/Bay Area
Research and Extension Center (BAREC
property. Retain its agricultural
and horticultural usage and zoning.

Sincerely, Judith Colson
Print Name: Judith Colson
Address: 22090 Hibiscus Dr.
Cupertino, CA 95014

JUL 06 2004

12A

25 May 2004

BEFORE the HONORABLE and ETHICAL SANTA CLARA CITY COUNCIL

My name Cameron M. Colson 408-374-4935

I am a homeowner in the Cambrian area 15231 Herring Avenue

I am a business owner in Sunnyvale 656 Taylor Ave

I am the sole patent holder to the best available technology for storm drain infrastructure protection and storm water pollution prevention management.

I am here tonight to present information to the city council that shall be useful to meet mandates in this highly environmentally regulated climate. The following information shall assist city decision makers in strengthening good relations with the overwhelming voice of citizen input on this matter of BAREC. The purpose of information tonight will provide decision-makers a basis to satisfy concerned citizen interests and validate a common sense decision to foresee and forestall future crisis.

The following information shall become public record and will weigh on the decision of the EIR and land use options of the BAREC site.

I submit the following information to become part of the BAREC / EIR:

- 1) **An article from the Land and Water Development Division FAO/AGL of the United Nations.**

Website address goto <http://www.fao.org/AG/AGL/agll/soilbiod/consetxt.stm#agro>

SUMMARY: Quotes in this article discuss Food Quality and Safety, Biotechnology (soil organisms used for medicines, biocontrols of pests, food processing), Bioremediation, Biodiversity of soils, Protection from local Bioterrorism, Maintain and sustain urban agriculture for the huge population growth expected

Socio-economic reasonsEcological reasonsEthical or moral reasons

These are reasons why BAREC should be kept in open space and its soil thus preserved for posterity.

And references as they relate directly the "environmentally superior" use of BAREC property as the citizen preferred **educational open space**. The City Council and EIR researchers need know that the soil at BAREC is considered the best in the

It is hoped that VIVA will be able to place these student reports on a disk for you and your staff. It will certainly be able to make the PowerPoint's available for the public domain on the website of www.savebarec.org.

I personally attended the class presentations and was most impressed with the thoroughness. I will tell you the Class consensus on "environmental superiority" were for agricultural open space with various educational programs as components with ways to bring in funding for it. The "community garden" aspect was one of these components which was repeated in all the presentations. I think it would also be fair to say that the students came up with some much more creative designs for the property than what has been seen to date for the property. It would be a good idea for the City Council to review these ideas along with staff.

3) EIR research requires past uses

Experimental pesticide chemicals were used at this site. In the current condition this site may be defined as a BROWNSFIELD.

Additionally, the record shall show information that represents a disturbing discovery; some certain residents directly adjacent to this facility site have cancer. It shall be required of the lead agency and DTSC to complete an analysis of chemicals use and sample resident's bloods for persistent oganos. Clarification as a Brownsfield would also require sampling for contaminants that may be present on adjacent land. Because the UC is a subsidiary of the State of California the attorney general needs to be notified that remuneration may be owed these peoples for involuntary exposure. The UC and State are responsible for cradle to grave provisions of any hazardous materials. It would be recommended for the city to relinquish any title or lead responsibility to this site until the foregoing has been resolved and remediated.

I Recommend an educational open space trust be created for the use of bioremediation as an educational program to cleanup polluted sediments / soils and ongoing educational opportunities. Both San Jose State University and Santa Clara University Environmental Studies Departments would welcome the opportunity to help with this process.

The following presentation submitted to the public record on the BAREC matter before the CITY OF SANTA CLARA CITY COUNCIL 5/25/04.



Conservation and Management of Soil Biodiversity and its role in Sustainable Agriculture

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Why should soil biodiversity be managed and conserved ?

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All ecosystems and human societies depend on a healthy and productive natural environment that contains diverse plant and animal species. The earth's biota is composed of an estimated 10 million species of plants, animals and microbes (Pimm *et al.*, 1995). Losses in biodiversity have been escalating with the growing encroachment of human activities on ecosystems and increasing intensification of land use to meet demographic and socio-economic pressures. The current extinction rate of species range from approximately 1,000 to 10,000 times higher than natural extinction rates (Keller and Wilson, 1993), and if this trend continues, as many as 2 million species of plants, animals and microbes will be exterminated worldwide by the middle of the next century (Pimm *et al.*, 1995). This forecast is alarming because biodiversity in general, and soil biodiversity in particular, is essential for the sustainable functioning of the agricultural, forest, and natural ecosystems on which humans depend.

Efforts to curb the loss of biodiversity have intensified in recent years, but they remain modest and have not kept pace with the rate of human-induced change. Furthermore, their application has been primarily focused on preserving a small number of species of large plants and animals, while neglecting the small organisms. However, the numerous small organisms that inhabit the soil, such as fungi, nematodes, insects and bacteria, dominate the structure and the basic functions of natural ecosystems. Holistic strategies are needed to protect whole ecosystems to conserve total biological diversity.

Reduction in the use of biodiversity in agriculture is driven by the increased pressures and demands of urban and rural populations and by the global development paradigm, which is favouring specialisation and intensification. Given that terrestrial ecosystems provide roughly 99% of the world's food supply and the population is estimated to reach 8 billion by 2020 (FAO, 1996) the question is - Will be possible to have a sustainable agriculture, able to feed these numbers and meet increasing consumption patterns in an ecologically compatible way? . The scientific database on these issues has not yet provided indications that are

Socio-economic reasons

There is a fine line dividing the "practice" of soil biodiversity conservation which shifts the debate from the theoretical ground to the pragmatic standpoint of making concrete improvements on the ground: this is the economic valuation of soil biodiversity. Of particular significance is the fact that the external benefits of soil biodiversity and other environmental goods are not priced in the market. Hence, the most effective way to respond to the problems is to place proper values on the services provided by natural environments; services which at present come free of charge.

On an economic basis, soil biodiversity has both direct (the organisms themselves and/or their metabolic products) and indirect (the long-term outcome of their activities) uses. It is estimated that the value of ecosystem services provided each year by soil biota in agricultural systems worldwide (e.g., organic waste disposal, soil formation, N₂ fixation, bioremediation and biocontrol) may exceed US\$ 1,542 billion as illustrated in Table 1.

a) Recycling of organic waste

Each year, human, livestock and crops produce approximately 38 billions metric tons of organic waste worldwide. These wastes are recycled by a variety of soil decomposer organisms. A succession of micro-organisms occurs in the detritus, involving mainly bacteria and fungi as well as detritus-feeding invertebrates, decomposing organic matter until it is finally reduced to elemental nutrients that are incorporated into the system. Assuming a conservative value of \$ 0.02/kg for all organic wastes that are recycled by decomposers, the contribution made by decomposer organisms is worth more than US\$ 760 billion per year worldwide. This calculation does not take into account the benefits of decreased environmental pollution, the recycling of nutrients, the decrease in the need for landfills and the significant reduction in human diseases.

b) Soil formation

More than 99% of the total worldwide human food supply is produced on land, whereas only 0.6% comes from oceans and other aquatic ecosystems (FAO 1991). Diverse soil biota facilitate soil formation and improve it for crop production. For example, earthworms bring between 10 and 500 tons/ha/year of soil to the surface, whereas insects often bring between 1 to 10 tons/ha/year of soil to the surface (Pimentel *et al.*, 1995). The combined activity of a substantial amount of soil invertebrates contribute to redistribution of nutrients, aerate the soil, facilitate top soil formation, and increase rates of water infiltration, thereby enhancing plant productivity (Pimentel *et al.*, 1995).

c) Nitrogen fixation

Nitrogen is essential for plant growth, and an insufficient quantity of it frequently limits biomass production in both natural and agricultural ecosystems. Biological nitrogen fixation by obligate endophytic diazotroph bacteria (e.g. *Rhizobium*, *Azotobacter*, *Azospirillum*, etc) is a process in which atmospheric nitrogen is converted into substrates of nitrogen that plant can use. Worldwide, 140-170x10⁶ tons/year of

42% each year, despite the application of pesticides. The total cost of losses to pest is estimated to be \$244 billion per year.

Approximately 99% of pest are controlled by natural enemy species and host plant resistance. Each insect pest has an average of 10-15 natural enemies that help to control it (van den Bosch and Messenger, 1973) and many of them have an edaphic phase in their life-cycle. However, the value of these natural enemies to pest control is often overlooked.

g) Pollination

As much as one-third of the world's food production relies either directly or indirectly on insect pollination (Richards, 1993). Although many major crops are self- or wind pollinated, others require and benefit from insect pollination to increase quality or increase yields (Richards, 1993). Assuming conservatively that the economic value of animal pollinators worldwide is at least five times that in the United States, the contribution of animal pollination to world agriculture is estimated to be \$200 billion per year.

h) Wild animals and ecotourism

Agro-tourism is fast becoming an especially lucrative industry for some developing nations, therefore the maintenance of a clean environmental and an enjoyable rural-landscape is very important. A world value for foods harvested from the wild can be estimated in developed countries, as it is rather specialised and the populations who exploit wildlife are rather limited social groups. However it is difficult to estimate in developing countries because rural communities depend far more extensively on gathering and hunting wild biota for their food, including, mushrooms, earthworms, small arthropods, etc.

Table 1. Total estimated economic benefits of biodiversity with special attention to the services that soil biota activities provide worldwide (modified from Pimentel *et al.*, 1997)

Activity	Soil biodiversity involved in such activity	World economic benefits of biodiversity (x \$10 ⁹ / year)
Waste recycling	Various saprophytic and litter feeding invertebrates (detritivores), fungi, bacteria, actinomycetes and other microorganisms	760
Soil formation	Diverse soil biota facilitate soil formation, e.g. earthworms, termites, fungi, etc	25
Nitrogen fixation	Biological nitrogen fixation by diazotroph bacteria	90
Bioremediation of chemicals	Maintaining biodiversity in soils and water is imperative to the continued and improved	121

function. Measurements of ecological function involve basic ecosystem functions such as nutrient cycling or energy transfer which result from the interaction of many components. Because the function of soil sub-system may be the key to understanding the health of agroecosystems from an ecological perspective, soil biodiversity and soil health can also be seen as one measure of environmental quality.

Ethical or moral reasons

On the ethical or moral stance, the intrinsic value (i.e., the value in and of itself), regardless of its potential or actual use, of biodiversity has been stressed by various authors (Johnson, 1991; Kellert and Wilson, 1993; Hågvar, 1994; McNeely *et al.*, 1995). It is also well recognized that, to varying degrees, most of the world's religions give intrinsic worth to the natural world, and it is unlikely that this deep-seated notion will disappear, even despite the force of the economic use values placed on biodiversity (Gaston and Spicer, 1998). However, the world view that denies any sacred value or self-worth to nature is being rapidly spread throughout the world by globalization and modern industrial societies who view the world as a warehouse of commodities for human enjoyment (Barbier *et al.*, 1995). The danger of this world view to biodiversity conservation cannot and should not be underestimated, although the possibility of using biodiversity for enjoyment (e.g., ecotourism) and other benefits may serve to counteract the negative forces of ecologically ignorant consumer societies.

➔ References



June 21, 2004

City of Santa Clara
Department of Planning and Building
1500 Warburton Avenue
Santa Clara, CA 95050

Attention: Kevin Riley

Subject: City File No. PLN2003-03744 / 90 North Winchester Development

Dear Mr. Riley:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a Draft EIR for the project referenced above for a construction of up to 118 dwelling units and 165 senior housing units on 16.5 acres at 90 N. Winchester Boulevard, north of Dorich Street. We have the following comments.

Development Design

VTA's Community Design and Transportation (CDT) Guidelines should be used when designing this development. This document provides guidance on site planning, building design, preferred pedestrian environment, intersection design and parking requirements. The CDT Guidelines are available upon request to any agency staff. For more information on CDT Guidelines, please call Chris Augenstein of the CMP at (408) 321-5725.

Transportation Impact Analysis Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis for any project that is expected to generate 100 or more new peak-hour trips. Based on the information provided on the size of the project, a TIA may be required.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Roy Molseed', is written over the word 'Sincerely,'.

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Samantha Swan, VTA

3331 North First Street - San Jose, CA 95134-1906 - Administration 408.321.5555 - Customer Service 408.321.2300

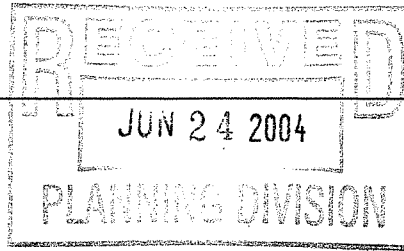
County of Santa Clara

Environmental Resources Agency
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



June 18, 2004



Mr. Kevin Riley
City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

**RE: Revised Notice of Preparation of Draft Environmental Impact Report for
90 North Winchester Development Project
Files PLN2003-03744, PLN2003-03745, PLN2003-03958, CEQA2003-01011**

Dear Mr. Riley:

I am writing in response to the Revised Notice of Preparation (NOP) of Draft Environmental Impact Report for the 90 North Winchester Development Project. The revised NOP was presented to the Santa Clara County Historical Heritage Commission (HHC) at its June 17, 2004 meeting.

The HHC expressed concern regarding the proposed demolition of the existing house on the property and the removal of the associated orchard. The HHC urges the City of Santa Clara to seriously evaluate the historic significance of the house and its historic context, including the orchard. It is possible that these resources may be significant on not only the local level, but also the state and federal levels. The HHC stressed the importance of effective and creative mitigation measures that would, at minimum, include preservation of the resources on site or relocation of the house to an alternate site.

The HHC appreciates the opportunity comment on this NOP. If you have any questions, please do not hesitate to contact me at (408) 299-5798.

Sincerely,

Dana Peak, Program Manager
Staff to the Santa Clara County Historical Heritage Commission

Geoff
Judith
CMO

From: "Jim Flanegin" <jflanegi@pacbell.net>
To: <southofforest@yahoogroups.com>, <MayorandCouncil@ci.santa-clara.ca.us>
Date: 5/24/04 6:57PM
Subject: RE: [southofforest] BAREC Update

Thanks for this timely notification. The text of the letter I have sent to Mr. Riley and the City Council is below:

Mr. Riley,

In responding to the Draft Environmental Impact Report (DEIR) regarding the property at 90 N. Winchester Boulevard, I am struck immediately by two elements of the proposed development which some members of the City Council are choosing to deliberately overlook:

First, it has been stated officially by employees of the City of Santa Clara that the development of residential and senior housing at this site will not pay for itself. So we the citizens of Santa Clara are to bear the burden of the additional costs of development (vs. no development), for it is assumed, 'the greater public good'.

Fair enough, however quoting the statement of Mr. Goodfellow, the City of Santa Clara Director of Planning and Inspection as reported in the minutes of the City's January 15, 2003 'neighborhood outreach' meeting,

"...The vast majority of the people speaking at the neighborhood meetings do want open space."

So we can conclude that certain members of the City Council are imposing their will upon the citizens they supposedly serve, and expect us to pay the cost.

I could attempt further arguments, responding directly to the DEIR in the areas of Noise, Terrestrial Biology, Cultural Resources, Traffic, Air Quality, and Land Use, but it is certainly clear to me that all of these segments of the environment will be adversely affected by this fundamentally dishonest proposal by the City Council of Santa Clara. Otherwise the majority of citizens wouldn't be against this development proposal.

I urge you to support the voice of the people who live in the City of Santa Clara, and retain this beautiful open space located at 90 North Winchester.

Please ignore the dishonest voices of the members of the City Council who merely seek to curry favor with the developers, and advance their political careers.

Sincerely,

Jim Flanegin
136 Douglane Avenue
Santa Clara, CA 95117-1019

-----Original Message-----

